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Appl. No. 09/303,791
Amdt. Dated January 3, 2005
Reply to Office action of November 3, 2004

REMARKS

The Applicant has carefully reviewed the Final Office action of November 3, 2004 and thanks Examiner Garcia for his detailed review of the pending claims. In response to the Final Office action claims 1, 3 and 4 are withdrawn and claims 8, 10, 11 and 13 remain pending in the present application. The Applicant requests reconsideration of the claims in view of the remarks below.

Restriction

In response to the restriction requirement issued by the Examiner, the Applicant elects claims 8, 10, 11 and 13 directed to a constant velocity universal joint and a propeller shaft assembly. The Applicant has withdrawn claims 1, 3 and 4. This response hereby affirms the provisional election by Mr. Michael T. Raggio on September 29, 2004 via a telephone conference with the Examiner.

Claim Rejections under 35 U.S.C. §103

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sugiura et al. (U.S. Patent No. 5,707,066) in view of Welschof et al. (U.S. Patent No. 4,747,805). The Examiner argues that Sugiura et al. teaches each feature of claim 8 except radially distributed apertures on the crimping lip. The Examiner further argues that Welschof et al. teaches the radially distributed apertures of the claimed invention and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the radially distributed apertures on a crimping lip to increase resiliency of a boot. The Applicant respectfully traverses the rejection.

To sustain a case of prima facie obviousness, the references, either alone or in combination, must teach or suggest each limitation of the claims. In the present action the references fail to teach or suggest each limitation of the claims.

First, the references fail to teach each limitation by failing to disclose, teach or suggest the feature of the crimping lip having a thickness greater than other portions of the boot. It is improper to infer or speculate that a reference includes a teaching or suggestion if that teaching or suggestion is not present in the specification. Neither Sugiura et al. nor Welschof et al. disclose, teach or suggest that the crimping lip has a thickness greater than other portions of the boot. Simply visualizing a greater thickness from drawings with no suggestion that the drawings are to scale does not indicate a teaching, disclosure or suggestions. Accordingly, the references

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fail to disclose, teach or suggest each limitation of the claimed invention. Therefore, for at least this reason, claim 8 is non-obvious and the Applicant respectfully request allowance of the claim.

Claims 8, 10, 11 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sugiura et al. in view of Burnett (U.S. Patent No. 3,195,360). The Examiner again argues that Sugiura et al. teaches each feature of the claimed invention except radially distributed apertures on the crimping lip. The Examiner further argues that Burnett teaches radially distributed apertures. The Applicant respectfully traverses the rejection.

Regarding claims 8 and 10 the arguments presented above with respect to the earlier §103(a) rejection are also applicable to the present rejection. For at least this same reason (no teaching or suggestion of the crimping lip being thick than other portions of the boot), claim 8 is allowable. Further, claim 10 depends from claim 8 and simply further defines additional patentable subject matter. For at least this reason, claim 10 is also patentable. Accordingly, the Applicant respectfully requests allowance of claims 8 and 10.

Regarding claims 11 and 13, again, the references fail to teach or suggest each feature of the claimed invention. Specifically, neither reference teaches or suggests radially distributed aperture reducing the require crimping force by up to approximately 50%. Crimping forces are not discussed by either Sugiura et al. or Burnett et al. and it is improper to infer such limitations into the references. Therefore, because the references fail to teach or suggest each feature of independent claim 11 the claim is non-obvious and patentable. Further, claims 13 depends from claim 11 and adds further patentable subject matter. For at least this reason claim 13 is also patentable. Accordingly, the Applicant requests allowance of claims 11 and 13.

Conclusion

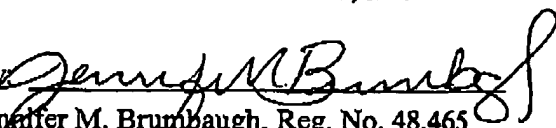
The Applicant believes the claims are in condition for allowance and respectfully requests that the Examiner pass the application to issue.

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Respectfully submitted,

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